

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, : CRIMINAL ACTION
: NO. 06-367
v. :
: GREGORY JONES :
:

O R D E R

AND NOW, this **21st** day of **December, 2011**, it is hereby
ORDERED as follows:

(1) The Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 143) is **DENIED** **with prejudice** and a certificate of appealability will not issue;

(2) Petitioner's Motion to Strike the Government's Surreply (ECF No. 155) is **DENIED as moot**;

(3) Petitioner's Motion for an Evidentiary Hearing (ECF No. 159) is **DENIED as moot**;

(4) Petitioner's Motion for Appointment of Counsel (ECF No. 164) is **DENIED as moot**;

(5) Petitioner's Motion to Dismiss the Government's Motion to Clarify the Court's Restitution Order (ECF No. 158) is **DENIED as moot**;

(6) Pursuant to Federal Rule of Appellate Procedure 4(b) (4), Petitioner's Motion for Allowance of Nunc Pro Tunc

Appeal (ECF No. 162) relating to the Court's order granting a clarification to the restitution order is **GRANTED**.¹

AND IT IS SO ORDERED.

s/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

¹ On September 22, 2011, the Government moved to clarify the restitution order in this case. On October 6, 2011, the Court granted the Government's motion. On October 13, 2011, Petitioner filed an untimely motion to dismiss the Government's motion to clarify the Court's restitution order. Petitioner's motion argues that the restitution order is based on the perjured testimony of U.S. Secret Service Special Agent McDowell. The Court now grants Petitioner's motion to extend the time to file an appeal from the Court's order clarifying restitution. Nevertheless, for the reasons provided in the accompanying memorandum at footnote twelve, Petitioner's appeal appears to have no merit.